

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

# UNITED STATES DISTRICT COURT

for the

DEC 21 2021

D. MARK JONES, CLERK

BY DEPUTY CLERKPetitioner

v.

Respondent

(name of warden or authorized person having custody of petitioner)

Case: 1:21-cv-00168

Assigned To : Barlow, David

Assign. Date : 12/21/2021

Description: Gonzalez v State of Utah

**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241****Personal Information**

1. (a) Your full name: Alberto Gonzalez
- (b) Other names you have used: \_\_\_\_\_
2. Place of confinement:
  - (a) Name of institution: Pituiton
  - (b) Address: Utah State Hospital PO Box 270 Provo UT 84603-0270
  - (c) Your identification number: \_\_\_\_\_
3. Are you currently being held on orders by:
 

☐ Federal authorities
 ☒ State authorities
 ☐ Other - explain: \_\_\_\_\_
4. Are you currently:
 

☒ A pretrial detainee (waiting for trial on criminal charges)
 ☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

  - (a) Name and location of court that sentenced you: \_\_\_\_\_
  - (b) Docket number of criminal case: SA 60973
  - (c) Date of sentencing: \_\_\_\_\_

☐ Being held on an immigration charge
 ☐ Other (explain): \_\_\_\_\_

20190501/4 case#

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**Decision or Action You Are Challenging**

5. What are you challenging in this petition:

- ☒ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- ☐ Pretrial detention
- ☐ Immigration detention
- ☒ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☒ Disciplinary proceedings
- ☐ Other (explain): \_\_\_\_\_

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court:

cases 19190275 and 191902881 at state hospital

(b) Docket number, case number, or opinion number:

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

charges Assault amended class B b.v.Hy  
 Poss of a DNR WEAP BY RESTRICTED 3rd person  
 felony 09/15/20 on both b.v.Hy  
 F3 BURGLARY

(d) Date of the decision or action:

**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: 09/26/2016

(3) Docket number, case number, or opinion number: COURT

(4) Result:

(5) Date of result: Jan 15/21

(6) Issues raised:

California Heights Ave Car  
 Max Police call on me about to  
 assault on moving weather

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(b) If you answered "No," explain why you did not appeal: \_\_\_\_\_

### 8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

### 9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

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(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

Lean not onto your own  
understanding but trust in  
the Lord and He shall guard  
your heart & mind

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

order Court house  
court trail to provide with admissible  
case

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

I want to Rec to  
Reopening add to expung  
my record criminal records

# 11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes

☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: \_\_\_\_\_  
 (b) Date of the removal or reinstatement order: \_\_\_\_\_  
 (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

(1) Date of filing: \_\_\_\_\_

(2) Case number: Release with AV two weeks

(3) Result: \_\_\_\_\_

(4) Date of result: SSO to victim

(5) Issues raised: no hours of com services

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: Pay money to APDP for CH test

(2) Date of filing: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

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(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: \_\_\_\_\_

(b) Name of the authority, agency, or court: \_\_\_\_\_  
\_\_\_\_\_

(c) Date of filing: \_\_\_\_\_

(d) Docket number, case number, or opinion number: \_\_\_\_\_

(e) Result: \_\_\_\_\_

(f) Date of result: \_\_\_\_\_

(g) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE:

I've always hated my mother  
RATHER WORSE OTHER REASON

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(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

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(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☐ No

GROUND TWO:

MA assault

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

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(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

GROUND THREE:

MA

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

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(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes

☒ No

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**GROUND FOUR:**

I'm waiting to know i do qualify for  
a habeas corpus

(a) Supporting facts (Be brief. Do not cite cases or law.):

PLUS Phara Porelinia

was informed  
ABC on

EML 180 credit

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

**Request for Relief**

15. State exactly what you want the court to do:

In my favor any do  
I want to make my state cant file  
early release Pout



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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

August 24/21

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

10/11/21

  
Signature of Petitioner

\_\_\_\_\_  
Signature of Attorney or other authorized person, if any